



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

March 1, 2022

**By ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Sorokin v. Dubois*, 21-cv-9452 (JMF)

Dear Judge Furman:

This Office represents the government in the above-referenced habeas corpus matter. On December 2, 2021, the Court granted the parties' request to hold this matter in abeyance until the Board of Immigration Appeals ("BIA") decided the petitioner's motion to reissue. ECF No. 7. The Court directed the parties to submit a joint letter, within three days of that decision, informing the Court of the decision and proposing next steps for the litigation. *Id.* I write respectfully to inform the Court that I learned this afternoon that the BIA denied the petitioner's motion to reissue on February 17, 2022.<sup>1</sup> A copy of that decision is attached for the Court's reference.

Immediately after I learned of the BIA's decision this afternoon, I emailed a copy of that decision to petitioner's counsel of record in this case and sought to confer on next steps. This evening, counsel responded to my email and informed me that it is her understanding that the petitioner has terminated her representation, and while another lawyer has reached out to her requesting her files, she is not yet certain whether the petitioner has retained that attorney to represent her in this habeas case. In light of this, I respectfully request that the matter continue to be held until the petitioner's new attorney enters an appearance in this case, after which, if acceptable to the Court, counsel for the parties will confer and file a joint letter proposing next steps for this case within five days of the petitioner's new counsel entering an appearance.

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<sup>1</sup> I apologize to the Court for not informing the Court within three days of the BIA's decision, as required by the Court's order. I had periodically checked on the status of the petitioner's motion, but only received notice today that a decision had been issued on February 17.

The Honorable Jesse M. Furman

March 1, 2022

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I thank the Court for its consideration of this submission.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Brandon M. Waterman  
BRANDON M. WATERMAN  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, New York 10007  
Tel. (212) 637-2741

cc: Counsel of Record (by ECF)

Application GRANTED in part. Plaintiff's new counsel, if any, is directed to promptly enter an appearance on the docket. If no counsel appears, Plaintiff will be deemed to be proceeding *pro se*, that is, without counsel. In either case, the parties are directed to file an update with the Court by **March 31, 2022**.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', is written over a horizontal line.

March 2, 2022



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041



**SOROKIN, ANNA  
A 216082982  
BERGEN COUNTY JAIL  
160 SOUTH RIVER STREET  
HACKENSACK NJ 07061**

**DHS/ICE Office of Chief Counsel - NYV  
201 Varick Street, Rm. 1130  
New York NY 10014**

**Name: SOROKIN, ANNA**

**A 216-082-982**

**Date of this Notice: 2/17/2022**

Enclosed is a copy of the Board's decision in the above-referenced case. If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of this decision.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:

Mann, Ana

Userteam: Docket



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals*

*Office of the Clerk*

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5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

**Aubrey A. Thomas**  
**The Law Offices Of Aubrey A. Thomas**  
**245-07 Francis Lewis BLVD**  
**Rosedale, NY 11422**

**DHS/ICE Office of Chief Counsel - NYV**  
**201 Varick Street, Rm. 1130**  
**New York NY 10014**

**Name: SOROKIN, ANNA**

**A 216-082-982**

**Date of this Notice: 2/17/2022**

Enclosed is a courtesy copy of the Board's decision and order in the above-referenced case.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:

Mann, Ana

Userteam: Docket

**NOT FOR PUBLICATION**

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

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MATTER OF:

Anna SOROKIN, A216-082-982

Applicant

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**FILED**

Feb 17, 2022

ON BEHALF OF APPLICANT: Pro se<sup>1</sup>

**IN ASYLUM ONLY PROCEEDINGS**

On Motion from a Decision of the Board of Immigration Appeals

Before: Mann, Appellate Immigration Judge

MANN, Appellate Immigration Judge

This case was last before the Board on October 21, 2021, when we dismissed the applicant's appeal from the Immigration Judge's June 15, 2021, decision. On November 29, 2021, the applicant filed the instant "emergency motion to expand the time to file notice of appeal and for a stay of deportation pending decision and order." We understand that the applicant is asking us to reissue our October 21, 2021, decision to enable her to timely file a petition for review of that order in the United States Court of Appeals for the Second Circuit. The motion will be denied.

The applicant asserts that her attorney did not receive our decision until November 22, 2021. In support of her motion, the applicant, by and through the attorney, submitted a sworn statement and what she claims to be a copy of the envelope that contained our October 21, 2021 decision, which reflects a mailing date of November 16, 2021. However, the envelope is not consistent with envelopes used by the Clerk's Office to serve decisions, and the return address printed on the envelope is that of the Executive Office for Immigration Review, Office of the General Counsel (Motion, Exh. A, page 12), which does not send decisions issued by the Board of Immigration Appeals. Because the applicant has not shown that our prior decision was improperly served we will deny her motion to reissue our prior order. Since there is nothing pending before the Board the applicant's stay of removal, granted on November 30, 2021, is no longer warranted and will be withdrawn. The stay will be denied.

ORDER: The motion to reissue is denied.

FURTHER ORDER: The stay of removal is denied.

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<sup>1</sup> This motion was filed by an attorney, but counsel did not enter an appearance through a Notice of Entry of Appearance as Attorney (Form EOIR-27). We will not recognize counsel, but we will send a courtesy copy of this decision to counsel.